

Comments on the FCC Notice of Proposed Rulemaking (NPRM)

Released 8/12/04.

In the matter of Review of the Emergency Alert System EB Docket No. 04-296

() Numbers below reference the paragraph numbers in the NPRM. For each referenced entry, the comment is in **bold type**

(3)

Should broadcaster and cable participation in State and Local EAS be made mandatory?

No. It should remain a voluntary option. Making this process mandatory will result in fewer participants willing to air local EAS messages. A mandatory program will result in significant cost overhead by the participating states required to monitor & regulate the program.

(4)

Is the EAS technologically outdated? If so, what should replace it?

Yes. A Satellite delivery system such as EMNet has proven to be a reliable option. It currently is being used in 20% of the states.

(22 & 23)

- Should a single federal agency (DHS was suggested) take the lead role for the future of EAS?

Yes. The DHS is the appropriate agency to take this over. It currently has responsibilities for other warning systems such as CWIN.

- Should the FCC, DHS, FEMA, and NOAA all remain involved in the EAS?

Yes. They are valuable partners in this program.

- Should a new public/private partnership be created to help oversee alerting?

Yes. The partnership for public warning would be a good oversee body.

(24)

- Should the FCC adopt rules to “ require broadcasters to make their facilities available to local emergency managers?”

No. It should remain a voluntary option within their broadcast community. You do not want the broadcasters to be vulnerable to hostile takeovers of their facilities during a crisis.

- Or should there be incentives to encourage broadcasters and cable to participate?

Yes. Incentives are good if the consequences do not overshadow the benefits.

- Under this scenario, to avoid overuse, “ should there be a federal rule establishing a standard regarding when state emergency managers may or must activate EAS?”

No. A standard should not be established. Rather guidelines should be established that States and Emergency managers & broadcasters could use in formulating their EAS plans.

- Should the use of any existing voluntary EAS codes now be mandated?
Each state should review these voluntary codes and seek implementation if equipment costs for implementing these codes is negligible.

(25)

- Should the FCC require State and Local EAS Plans? (They are now not required)

Yes. Provided that adequate resources are given to the states to develop & maintain these plans.

- Should the FCC establish national guidelines and standards for these Plans?

Yes.

- Should the SECC and LECC structure still be generating such Plans? If not, who?

Yes.

- Should periodic updating of Plans be required? If so, how often?

Yes. Yearly review, Every five years complete revision.

- Should adjacent states implement standardized EAS Plans for better coordination?

No. Coordination between States should be voluntary.

- “ Should multi-state regions be defined and Plans developed for them?”

No.

- Should there be reporting requirements for EAS activations to develop reports?

Yes. This reporting requirement should be part of the State & Local plans.

(26)

- Should all EAS participants be required to monitor NWR signals where available?

This needs further study. The inherent cost may be too high for the broadcasters.

- Should broadcasters still be able to activate the EAS without local emergency management concurrence? If so, should the FCC establish standards for doing so?

No. EAS activation should only be at the request of the NWS & Emergency Managers.

(27)

How do we improve on the EAS “ daisy-chain” distribution system?

- Should satellite, or other new technologies, be used to distribute the EAS?

Yes. The EMNet satellite delivery system is a proven technology.

- Is there still a need for the national 34-station PEP (Primary Entry Point) system?

Yes. Unless you go to a satellite delivery system, then the PEP stations can be abolished.

- Should there be national guidelines for implementing EAS, rather than leaving it to the individual states?

Some national guidelines are necessary to cover warnings across state lines and to allow consistency from state to state so that the broadcasters that serve multiple states will have a common approach for their participation. This is especially true for satellite delivered radio broadcasts that will be participating in the EAS program.

(28)

Should the FCC require all stations and cable operators to upgrade their EAS equipment to incorporate the new EAS Event and Location Codes adopted in 2002? (It is now voluntary.)

Yes. The FCC should help to defray the cost for this upgrade.

(29 & 30)

Should EAS be extended to other broadcast services?

- Should EAS be extended to DTV (HDTV), and digital cable TV?

Yes.

- Should DTV be required to broadcast EAS on all program streams?

Yes.

- Should AM/FM IBOC digital radio be required to carry EAS on all program streams?

Yes.

- Should EAS be extended to DBS (DirecTV and Dish)? How would they get local alerts?

Yes.

- Should EAS be extended to Satellite DARS (XM and Sirius)? How would they get alerts?

Yes.

(34)

Should the FCC mandate that consumer devices turn on automatically for alerts?

Yes.

(41)

EAS Security issues

- How can we improve the security of EAS distribution methods, information, and equipment?

Go to a satellite based delivery system such as EMNet

- Should the FCC require the use of password protection on all EAS encoders?

Yes.

(43)

Should there be periodic testing of the National EAS, from the PEP stations on down?

Yes.

(44)

EAS Training

- Should additional training resources be provided to emergency managers? If so, what?

Yes. A form of grants from the FCC or DHS if that is the regulating body.

- Should emergency managers receive mandatory training on how and when to utilize EAS?

Yes. With training provided by the states through funding by DHS.

- Should there be periodic mandatory EAS training of broadcast and cable system personnel?

Yes. With training provided by the states through funding by DHS.

(45)

Should the level of EAS participation required be dependent on the size of the broadcast or cable company? If so, what effect would this have on the usefulness of the EAS?

No.

(46)

Should the maximum FCC EAS fine be increased from \$32,500 to \$325,000?

No. What is the rationale for this? We want to foster more participation within the local communities. Increasing the fine will only reduce participation.